

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

In re Cablevision Consumer Litigation

This Document Relates to:
All Actions

Master File No.
10-cv-4992 (JS) (AKT)

ECF CASE

**DECLARATION OF ANDREW M. GENSER REGARDING THE
DECEMBER 28, 2015 ORDER DIRECTING PARTIES TO RE-FILE REDACTED
VERSIONS OF CERTAIN DOCUMENTS PREVIOUSLY FILED UNDER SEAL**

Andrew M. Genser declares as follows:

1. I am a partner at Kirkland & Ellis LLP, counsel for Cablevision Systems Corporation (“Cablevision Systems”) and CSC Holdings, LLC (“CSC” and, together with Cablevision Systems, “Cablevision”). On December 28, 2015, the Court directed the parties to re-file redacted versions of documents that had been entirely redacted and filed under Docket Entries 144, 150, 155, 164, 167, and 169 to reflect the redaction of only confidential portions of those documents. (*See* Order, Dkt. 179.) On January 8, 2016, Plaintiffs’ counsel Ralph M. Stone advised me that to the extent documents that had been filed by Plaintiffs should be refiled to protect information that was designated confidential by Cablevision, Plaintiffs consented to Cablevision filing those documents on Plaintiffs’ behalf. Accordingly, Cablevision hereby files redacted versions of certain documents that were previously filed under seal.

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2. Attached as Exhibit 1 is a true and correct copy of the July 18, 2014 Expert Report of Todd Buchholz, previously filed as Exhibit 1 to the Declaration of Andrew Genser In Support of Defendants’ Motion to Exclude Expert Opinions of Todd Buchholz and Larry Gerbrandt [Dkt. 144-3]. Cablevision is filing this exhibit with no redactions.

3. Attached as Exhibit 2 is a true and correct redacted version of the September 11, 2014 Rebuttal Report of Todd Buchholz, previously filed as Exhibit 2 to the Declaration of Andrew Genser In Support of Defendants' Motion to Exclude Expert Opinions of Todd Buchholz and Larry Gerbrandt [Dkt. 144-4].

4. Attached as Exhibit 3 is a true and correct copy of the July 18, 2014 Expert Report of Larry Gerbrandt, previously filed as Exhibit 3 to the Declaration of Andrew Genser In Support of Defendants' Motion to Exclude Expert Opinions of Todd Buchholz and Larry Gerbrandt [Dkt. 144-5]. Cablevision is filing this exhibit with no redactions.

5. Attached as Exhibit 4 is a true and correct redacted version of the September 11, 2014 Rebuttal Report of Larry Gerbrandt, previously filed as Exhibit 4 to the Declaration of Andrew Genser In Support of Defendants' Motion to Exclude Expert Opinions of Todd Buchholz and Larry Gerbrandt [Dkt. 144-6].

6. Attached as Exhibit 5 a true and correct redacted version of the September 18, 2014 deposition transcript of Todd Buchholz, previously filed as Exhibit 5 to the Declaration of Andrew Genser In Support of Defendants' Motion to Exclude Expert Opinions of Todd Buchholz and Larry Gerbrandt [Dkt. 144-7].

7. Attached as Exhibit 6 a true and correct redacted version of the September 19, 2014 deposition transcript of Larry Gerbrandt, previously filed as Exhibit 6 to the Declaration of Andrew Genser In Support of Defendants' Motion to Exclude Expert Opinions of Todd Buchholz and Larry Gerbrandt [Dkt. 144-8].

8. Attached as Exhibit 7 is a true and correct copy of the September 11, 2014 Rebuttal Report of Elizabeth Losinski, previously filed as Exhibit 8 to Declaration of Andrew

Genser In Support of Defendants' Motion to Exclude Expert Opinions of Todd Buchholz and Larry Gerbrandt [Dkt. 144-9]. Cablevision is filing this exhibit with no redactions.

9. Attached as Exhibit 8 is a true and correct copy of Exhibit 1 to the July 18, 2014 Expert Report of Jonathan Orszag, previously filed as Exhibit 9 to the Declaration of Andrew Genser In Support of Defendants' Motion to Exclude Expert Opinions of Todd Buchholz and Larry Gerbrandt [Dkt. 144-10]. Cablevision is filing this exhibit with no redactions.

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10. Attached as Exhibit 9 is a true and correct copy of the Memorandum in Opposition to Defendants' Motion to Exclude Expert Opinions of Todd Buchholz and Larry Gerbrandt [Dkt. 150-1]. Cablevision is filing this exhibit with no redactions.

11. Attached as Exhibit 10 is a true and correct copy of Defendants' Responses and Objections to Plaintiffs' First Request for Production of Documents, dated September 2, 2011, previously filed as Exhibit 1 to Declaration of Ralph M. Stone in Support of Plaintiffs' Opposition (the "Stone Declaration") [Dkt. 150-3]. Cablevision is filing this exhibit with no redactions.

12. Attached as Exhibit 11 is a true and correct copy of Defendants' Responses and Objections to Plaintiffs' Second Set of Interrogatories, dated September 14, 2012, previously filed as Exhibit 2 to the Stone Declaration [Dkt. 150-4]. Cablevision is filing this exhibit with no redactions.

13. Attached as Exhibit 12 is a true and correct copy of excerpts from the December 27, 2012 Deposition of Bradley Feldman, previously filed as Exhibit 3 to the Stone Declaration [Dkt. 150-5]. Cablevision is filing this exhibit with no redactions.

14. Attached as Exhibit 13 is a true and correct redacted version of Defendants' Responses and Objections to Plaintiffs' First Set of Interrogatories, dated September 2, 2011, previously filed as Exhibit 4 to the Stone Declaration [Dkt. 150-6].

15. Attached as Exhibit 14 is a true and correct copy of excerpts from the Deposition of Tom Rutledge on February 5, 2013, previously filed as Exhibit 5 to the Stone Declaration [Dkt. 150-7]. Cablevision is filing this exhibit with no redactions.

16. Excerpts from the Deposition of Jonathan Orszag on October 2, 2014 were previously filed as Exhibit 6 to the Stone Declaration [Dkt. 150-8]. Attached as Exhibit 15 is a true and correct redacted version of the full October 2, 2014 deposition transcript of Jonathan Orszag.

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17. The October 2, 2014 deposition transcript of Jonathan Orszag was previously filed as Exhibit 11 to the Declaration of Andrew M. Genser in Support of Defendants' Reply [Dkt. 155-1]. Cablevision has filed a redacted version of that transcript as Exhibit 15 hereto. (*See supra* ¶ 16.)

18. Attached as Exhibit 16 is a true and correct redacted version of the July 18, 2014 Expert Report of Jonathan Orszag, previously filed as Exhibit 12 to the Declaration of Andrew M. Genser in Support of Defendants' Reply [Dkt. 155-2].

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19. Attached as Exhibit 17 is a true and correct redacted versions of the November 18, 2014 Plaintiffs' Memorandum of Law in Support of Motion to Exclude Opinions of Jonathan Orszag [Dkt. 164-2].

20. The Transcript of the October 2, 2014 Deposition of Jonathan Orszag was previously filed as Exhibit A to Declaration of Carol S. Shahmoon in Support of Plaintiffs' Motion to Exclude Opinions of Jonathan Orszag ("Shahmoon Declaration") [Dkt. 164-4]. Cablevision has filed a redacted version of that transcript as Exhibit 15 hereto. (*See supra* ¶ 16.)

21. The July 18, 2014 Expert Report of Jonathan Orszag was previously filed as Exhibit B to the Shahmoon Declaration [Dkt. 164-4]. Cablevision has filed a redacted version of that exhibit as Exhibit 16 hereto. (*See supra* ¶ 18.)

22. Exhibits 1, 2, and 3 to the Expert Report of Jonathan Orszag were previously filed as Exhibit C to the Shahmoon Declaration [Dkt. 164-4]. Cablevision has filed a redacted version of those exhibits as part of the redacted version of the July 18, 2014 Expert Report of Jonathan Orszag, filed as Ex. 16 hereto. (*See supra* ¶ 18.)

23. Attached as Exhibit 18 is a true and correct copy of the October 25, 2010 letter from Cablevision to the FCC regarding the Fox Dispute, bearing Bates numbers CSC00353087-353098 and CSC00001001, previously filed as Exhibit M to the Shahmoon Declaration [Dkt. 164-13]. Cablevision is filing this exhibit with no redactions.

24. Attached as Exhibit 19 is a true and correct redacted version of the Analysis of Cablevision viewers by network for October 1 to October 31, 2010, bearing Bates numbers CSC00172362-172383, previously filed as Exhibit N to the Shahmoon Declaration [Dkt. 164-13].

25. Attached as Exhibit 20 is a true and correct copy of the Chart from the Expert Report of Jonathan Orszag detailing the number of Fox Channels and Total Channels by Tier, previously filed as Exhibit O to the Shahmoon Declaration [Dkt. 164-13]. Cablevision is filing this exhibit with no redactions.

26. The Chart from the Expert Report of Jonathan Orszag detailing pro rata attribution based on the Fox Channels' share of the total number of channels on the tier was previously filed as Exhibit Q to the Shahmoon Declaration [Dkt. 164-13]. Cablevision has filed this chart as part of the redacted version of the July 18, 2014 Expert Report of Jonathan Orszag, filed as Ex. 16 hereto. (*See supra* ¶ 18.)

27. Attached as Exhibit 21 is a true and correct redacted version of the September 11, 2014 Rebuttal Report of Jonathan Orszag, previously filed as Exhibit R to the Shahmoon Declaration [Dkt. 164-13].

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28. Attached as Exhibit 22 is a true and correct redacted version of Defendants' Memorandum of Law in Opposition to Plaintiffs' Motion to Exclude Opinions of Jonathan Orszag [Dkt. 167].

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29. Attached as Exhibit 23 is a true and correct version of Plaintiffs' Reply in Support of Motion to Exclude Opinions of Jonathan Orszag [Dkt. 169]. Cablevision is filing this exhibit with no redactions.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 27, 2016.

/s/ Andrew M. Genser
Andrew M. Genser

CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2016, I served a true and correct copy of the foregoing on counsel of record listed below via ECF:

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